

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTWONE FLEMING,

Plaintiff(s),

vs.

JOHN PIRO,

Defendant(s).

Case No. 2:16-cv-00753-KJD-NJK

AMENDED

**ORDER DENYING APPLICATION
TO PROCEED IN FORMA PAUPERIS**

(Docket No. 1)

Pending before the Court is Plaintiff's application to proceed in this action *in forma pauperis*. Docket No. 1. Plaintiff is currently incarcerated in the Clark County Detention Center. *Id.* at 1. This proceeding was referred to the Court by Local Rule IB 1.9. Plaintiff has submitted the affidavit required by § 1915(a) showing an inability to prepay fees and costs or give security for them. However, he must also include a recent (within the past six months) financial certificate signed by an authorized officer of the institution in which he is incarcerated, a copy of his inmate trust account statement, and a signed financial affidavit as required by 28 U.S.C. § 1915 (a)(2) and LSR 1-2.

Further, Plaintiff has not filed a Complaint. Instead, he has only attached a civil cover sheet to his *in forma pauperis* application. Docket No. 1-1. Failure to file a proper complaint may result in dismissal of this case. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992).

Based on the foregoing, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* is hereby **DENIED** without prejudice.
2. Plaintiff shall file a Complaint and a renewed application to proceed *in forma pauperis*,

1 accompanied by a recent (within the past six months) signed and executed financial
2 certificate, a certified statement from his inmate trust account, and a signed and executed
3 financial affidavit.

4 3. The Clerk of the Court shall send Plaintiff a blank *in forma pauperis* application form for
5 incarcerated litigants with instructions.

6 4. In the alternative, Plaintiff shall make the necessary arrangements to pay the filing fee of
7 \$400, accompanied by a copy of this Order.

8 5. Plaintiff must comply with this order no later than May 16, 2016.

9 6. Failure to comply will result in a recommendation to the district judge for dismissal of this
10 action.

11 Dated: April 18, 2016

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NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE
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